

**Town of Odessa**  
**MINUTES FROM THE REGULAR TOWN COUNCIL MEETING**  
**MONDAY, NOVEMBER 7, 2005 - 7:00 PM**  
**OLD ACADEMY BUILDING**

Those present at 7:00 PM:

Mayor Kathy Harvey  
Council Member John Freeman  
Council Member Karlyn Grant  
Council Member John Raudenbush

Treasurer James Grant  
Secretary Jessica Norton

9 community members

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- I. Call to Order and Pledge of Allegiance- The meeting was called to order at 7:06 PM.
- II. Roll Call
- III. Council Appointment- Mayor stated that she did not have a name to submit to Council at this time.
- IV. Delaware State Police Report- The report was read by Lieutenant Bailey and is attached hereto as Attachment B. She remarked that Troop 9 is taking the "disorderly conduct" complaint seriously. She also reported that she is communicating with DelDOT regarding the timing of the lights at the 13/299 intersection, removal of orange construction signs north of Town, and trucks parking alongside Route 13. She commented that the jake brakes signs would be difficult to enforce. Council expressed concern at the lack of visibility of the Halloween/Mischief Night patrol, to which Lt. Bailey responded that she would inquire about it.
- V. Approval of Minutes- Regular Meeting 10/3/05  
**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE MINUTES FROM THE REGULAR MEETING OF MAYOR AND COUNCIL ON OCTOBER 3, 2005 BE ACCEPTED.**  
  
**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**
- VI. Correspondence
  - A. Richard Smith- regarding the condition of a property and a vicious dog on Osbourne Street. Kathy Harvey called the SPCA, as directed by the Dog Ordinance, and notified the property owner. If she does not get a response from the SPCA, she will call the County Police.



***Action: Kathy Harvey will call the SPCA and ask for a report.***

- B. Cantwell Avenue- regarding a sinkhole by a pipe. Harvey will meet with someone tomorrow to inspect the pipe.
- C. Betts Jackson and numerous residents of Main Street- regarding an incident involving the Odessa Fire Company party hall, attached hereto as attachment C. Mayor Harvey read the letter aloud, commenting that the Town has responded with a “diplomatic” approach to similar complaints in the past, but feels that since the problem has persisted, Council must now take a stronger stand to protect the Town’s residents. She had discussed the problem with Lt. Bailey and suggested introducing an ordinance to control gatherings in public places. Both Council and residents favored the idea, adding that either police presence or private security at the Fire Company’s or hall renter’s expense is important. Other ideas included threatening to revoke the hall’s liquor license, requiring advance notice to the Town, rental deposits, and ratio-based security. Lt. Bailey indicated that advance notice to the Town could help Troop 9 utilize money allotted to patrolling for underage drinking.

**MOTION BY KARLYN GRANT, SECONDED BY JOHN RAUDENBUSH: THAT MAYOR HARVEY DRAFT AN ORDINANCE FOR CONSIDERATION AT THE NEXT COUNCIL MEETING.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

***Action: Kathy Harvey will write an ordinance.***

- D. Jacqui and David Fox- resigning from the Parks Commission.
- E. Atlantic Broadband- regarding services.
- F. DelDOT- regarding upcoming 301 bypass workshops.
- G. Grant Applications, including Natural Resource Management Grant-  
**MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT THE TOWN PURSUE GRANT MONEY.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

***Action: Kathy Harvey will pursue the grant applications.***

- VII. Treasurer’s Report- Treasurer Grant distributed and summarized the Balance Sheet and Profit & Loss Budget Performance, attached hereto as attachments D and E. He reported that the auditors had requested more information, which he plans to send tomorrow, and hopes that he will have a report by December. He also asked permission to publicly post



delinquent taxes. He plans to start court action on one property and check with the county regarding another, which could be a candidate for sheriff's sale.

*Action: Treasurer Grant will post delinquent taxes.*

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO ACCEPT THE TREASURER'S REPORT.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

- VIII. Verizon Fiberoptic Servicing- Three Verizon representatives addressed Council regarding their "Fiber to the Premises" project. They explained that though fiber spans the state, it does not currently run to small towns, businesses, or homes. The company would like to overlay existing copper wires with the new fiber, allowing voice and data, and later video, applications to run faster. They assured those present that aerial cable would be run along existing lines with no visual impact and that they plan to work with the Historic Commission to ensure that the buried lines in the historic district meet their standards. They showed examples of the new boxes, which would be installed only for those residents who purchase service. They hope that if all goes well, the project would be completed in mid 2006, and asked the Town to start on the franchise agreement process now, clarifying that a franchise agreement is not exclusive. Council Member and Verizon employee John Raudenbush expressed his confidence in the company and explained that in some parts of Town, the groundwork has already been laid. Mayor Harvey requested that Verizon negotiate a free or reduced-cost service plan for the municipality.

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE TOWN ENTERTAIN A DRAFT FRANCHISE AGREEMENT WITH VERIZON AND HAVE THE TOWN SOLICITOR LOOK IT OVER.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

- IX. Delaware Wild Lands, Old Academy Lease- Council amended the agenda to allow Delaware Wild Lands' Executive Director to be present for comment. Mayor Harvey reminded Council of Delaware Wild Lands' request, citing portions of their proposal. Treasurer Grant pointed out that under the current budget, the Town cannot afford utilities without a renter.

**MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT THE TOWN CANCEL THE EXISTING LEASE AGREEMENT WITH DELAWARE WILD LANDS, ENTER INTO A NEW FIVE-YEAR AGREEMENT WITH THE OPTION TO RENEW FOR ANOTHER FIVE YEARS, AND INCREASE THE RENT AT THE EXISTING RATE OF 10% EVERY FIVE YEARS.**



**MOTION CARRIED. VOTE: 3 AYE, 0 NAY, Kathy Harvey abstaining.**

X. Commission Reports-

- A. Parks- Halloween in the Park was a successful event, with about 200 children in attendance. Mayor Harvey publicly thanked Jessica Norton, June Anderson, and Jane Mruk for their efforts.
- B. Historic- The Commission heard the Fire Company's request for a traffic signal, and asked them to research other historic towns and provide a more visually appealing option. They continue to work on the Historic Guidelines.
- C. Planning- The Commission is meeting twice a month and working on the Comprehensive Plan and Zoning Ordinance simultaneously. Harvey suggested slowing the pace to alleviate the strain on Commission members.
- D. Trees- The survey is finished and will be presented at the meeting on November 15.

XI. Old Business

- A. House Bill 172 (Handicapped Parking)- awaiting a response from Dick Cathcart.
- B. Ordinance 2005-4: An ordinance restricting traffic on High Street, Tatman Alley, and Osbourne Street by posting "Do Not Enter" and "No Right Turn" signs. – This constitutes the first reading.
- C. Town Boundaries- Harvey reported that she had located a negotiated deal to stop work. She also found a deed for the turnover of land in Odessa Heights from Leonor Hampson, which she feels may provide additional information on the Town boundaries.

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO TABLE THE ISSUE OF TOWN BOUNDARIES UNTIL MORE INFORMATION CAN BE FOUND.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

- D. Sidewalk / Right-of-way Clean-up- The survey was addressed under "Trees." Harvey thanked property owners, particularly along Main Street, for trimming their bushes.
- E. Jake Brake Signs- Lt. Bailey had previously addressed the issue of enforcement. Jim Grant pointed out that Smyrna has the same signs that Odessa has requested, so there should not be a reason for DelDOT to be stalling.
- F. Mechanic Street- Restoring 2-way Traffic Flow- The Town is still awaiting a response from DelDOT. Harvey questioned whether or not the Town has jurisdiction over the front end of Mechanic Street.



- G. NCC Emergency Operations Plan- Copies of the request have been sent to Odessa Fire Company and the Department of Forestry.

***Action: Jim Grant will follow up with NCC Emergency Operations.***

XII. New Business

- A. Natural Resource Management Grant- addressed under "Correspondence."

XIII. Next Meeting's Date and Time: Council is only required to hold eleven meetings a year. Mayor, Council, Treasurer, and Secretary discussed and decided to take off the month of December and reschedule January's meeting for Monday, January 9, 2006.

XIV. Adjournment

- A. Dick Cathcart is hosting a meeting at the Fire Hall tomorrow.  
B. Representatives from Panama plan to meet tomorrow and tour the Town.  
C. On November 15, Delaware Solid Waste Authority plans to recognize Odessa with an award.

**MOTION BY JOHN FREEMAN, SECONDED BY JOHN RAUDENBUSH: THAT THE MEETING BE ADJOURNED.**

**MOTION CARRIED. VOTE: 4 AYE, 0 NAY**

The meeting adjourned at 9:13 PM.

Minutes Approved:

1/9/06

Jessica Norton